

AMENDED IN ASSEMBLY MAY 7, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2668

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend Sections 11465 and 16501.25 of, and to add ~~Section 16501.26~~ *Sections 16501.26, 16501.27, and 16501.28* to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL’S DIGEST

AB 2668, as amended, Quirk-Silva. Foster care: nonminor dependent parents.

~~Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, law provides aid and services to children placed in out-of-home care through various social service programs, including Aid to Families with Dependent Children-Foster Care (AFDC-FC) and the Kinship Guardianship Assistance Payment Program (Kin-GAP). Existing law provides that, when a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, the rate paid to the foster care provider on behalf of the parent shall include an amount for care and supervision of the child, as specified. Existing law provides for specified payments in instances in which a child is living with a teen parent in a whole family foster home, as defined. Existing law requires, under these circumstances, that a written shared responsibility plan be developed between the parent, his or her caregiver, and a representative of the county or other agency providing direct supervision to the caregiver. Under existing law, Existing law requires~~

that, once—~~the~~ this plan has been completed and provided to the appropriate agencies, the payment made to the caregiver is ~~be~~ increased by an additional \$200 per month to reflect the increased care and supervision of the child.

This bill, on or after July 1, 2015, would similarly authorize the development of a parenting support plan between a nonminor dependent parent who resides in a supervised independent living placement, an identified responsible adult who has agreed to act as a parenting mentor, and a representative of the county child welfare agency or probation department. The bill would authorize the nonminor dependent to provide the plan to the county child welfare agency or probation department, at which time he or she would receive an additional—~~foster care aid~~ payment of \$200 per month. The bill would require the State Department of Social Services to convene a working group to develop and issue an all-county letter that specifies the minimum criteria a person must meet in order to serve as an identified responsible adult to a nonminor dependent parent, as specified. The bill would require a person who wishes to become an identified responsible adult to meet the minimum criteria described above, be at least 21 years of age, and undergo a state-level criminal records check, as specified. The bill would authorize a person who does not have a criminal record or who has been issued a criminal records exemption by a county, as specified, to serve as an identified responsible adult. By increasing the duties of counties providing child welfare services, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11465 of the Welfare and Institutions
- 2 Code is amended to read:

1 11465. (a) When a child is living with a parent who receives
2 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on
3 behalf of the parent shall include an amount for care and
4 supervision of the child.

5 (b) For each category of eligible licensed community care
6 facility, as defined in Section 1502 of the Health and Safety Code,
7 the department shall adopt regulations setting forth a uniform rate
8 to cover the cost of care and supervision of the child in each
9 category of eligible licensed community care facility.

10 (c) (1) On and after July 1, 1998, the uniform rate to cover the
11 cost of care and supervision of a child pursuant to this section shall
12 be increased by 6 percent, rounded to the nearest dollar. The
13 resultant amounts shall constitute the new uniform rate.

14 (2) (A) On and after July 1, 1999, the uniform rate to cover the
15 cost of care and supervision of a child pursuant to this section shall
16 be adjusted by an amount equal to the California Necessities Index
17 computed pursuant to Section 11453, rounded to the nearest dollar.
18 The resultant amounts shall constitute the new uniform rate, subject
19 to further adjustment pursuant to subparagraph (B).

20 (B) In addition to the adjustment specified in subparagraph (A),
21 on and after January 1, 2000, the uniform rate to cover the cost of
22 care and supervision of a child pursuant to this section shall be
23 increased by 2.36 percent, rounded to the nearest dollar. The
24 resultant amounts shall constitute the new uniform rate.

25 (3) Subject to the availability of funds, for the 2000–01 fiscal
26 year and annually thereafter, these rates shall be adjusted for cost
27 of living pursuant to procedures in Section 11453.

28 (4) On and after January 1, 2008, the uniform rate to cover the
29 cost of care and supervision of a child pursuant to this section shall
30 be increased by 5 percent, rounded to the nearest dollar. The
31 resulting amount shall constitute the new uniform rate.

32 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the
33 payment made pursuant to this section for care and supervision of
34 a child who is living with a teen parent in a whole family foster
35 home, as defined in Section 11400, shall equal the basic rate for
36 children placed in a licensed or approved home as specified in
37 subdivisions (a) to (d), inclusive, and subdivision (g), of Section
38 11461.

39 (2) The amount paid for care and supervision of a dependent
40 infant living with a dependent teen parent receiving AFDC-FC

benefits in a group home placement shall equal the infant supplement rate for group home placements.

(3) (A) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month to reflect the increased care and supervision while he or she is placed in the whole family foster home.

(B) A nonminor dependent parent residing in a supervised independent living placement, as defined in subdivision (w) of Section 11400, may provide the county child welfare agency or probation department with a copy of the parenting support plan developed pursuant to Section 16501.26 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month.

(4) In a year in which the payment provided pursuant to this section is adjusted for the cost of living as provided in paragraph (1) of subdivision (c), the payments provided for in this subdivision shall also be increased by the same procedures.

(5) A Kin-GAP relative who, immediately prior to entering the Kin-GAP program, was designated as a whole family foster home shall receive the same payment amounts for the care and supervision of a child who is living with a teen parent they received in foster care as a whole family foster home.

(6) On and after January 1, 2012, the rate paid for a child living with a teen parent in a whole family foster home as defined in Section 11400 shall also be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC or Kin-GAP pursuant to Section 11403.

SEC. 2. Section 16501.25 of the Welfare and Institutions Code is amended to read:

16501.25. (a) For the purposes of this section, “teen parent” means a child who has been adjudged to be a dependent child or

1 ward of the court on the grounds that he or she is a person described
2 under Section 300 or 602, or a ward of a nonrelated legal guardian
3 whose guardianship was established pursuant to Section 360 or
4 366.26, living in out-of-home placement in a whole family foster
5 home, as defined in subdivision (u) of Section 11400, who is a
6 parent. Commencing January 1, 2012, “teen parent” also means a
7 nonminor dependent, as defined in subdivision (v) of Section
8 11400, who is living in a whole family foster home, as defined in
9 subdivision (t) of Section 11400, and is eligible for AFDC-FC or
10 Kin-GAP payments pursuant to Section 11403.

11 (b) (1) When the child of a teen parent is not subject to the
12 jurisdiction of the dependency court but is in the full or partial
13 physical custody of the teen parent, a written shared responsibility
14 plan shall be developed. The plan shall be developed between the
15 teen parent, caregiver, and a representative of the county child
16 welfare agency or probation department, and in the case of a
17 certified home, a representative of the agency providing direct and
18 immediate supervision to the caregiver. Additional input may be
19 provided by any individuals identified by the teen parent, the other
20 parent of the child, if appropriate, and other extended family
21 members. The plan shall be developed as soon as is practicably
22 possible. However, if one or more of the above stakeholders are
23 not available to participate in the creation of the plan within the
24 first 30 days of the teen parent’s placement, the teen parent and
25 caregiver may enter into a plan for the purposes of fulfilling the
26 requirements of subparagraph (A) of paragraph (3) of subdivision
27 (d) of Section 11465, which may be modified at a later time when
28 the other individuals become available.

29 (2) The plan shall be designed to preserve and strengthen the
30 teen parent family unit, as described in Section 16002.5, to assist
31 the teen parent in meeting the goals outlined in Section 16002.5,
32 to facilitate a supportive home environment for the teen parent and
33 the child, and to ultimately enable the teen parent to independently
34 provide a safe, stable, and permanent home for the child. The plan
35 shall in no way limit the teen parent’s legal right to make decisions
36 regarding the care, custody, and control of the child.

37 (3) The plan shall be written for the express purpose of aiding
38 the teen parent and the caregiver to reach agreements aimed at
39 reducing conflict and misunderstandings. The plan shall outline,
40 with as much specificity as is practicable, the duties, rights, and

responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

- (A) Feeding.
- (B) Clothing.
- (C) Hygiene.
- (D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.
- (E) Health care.
- (F) Transportation to health care appointments, child care, and school, as appropriate.
- (G) Provision of child care and babysitting.
- (H) Discipline.
- (I) Sleeping arrangements.
- (J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department and, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver.

(d) The shared responsibility plan requirements shall no longer apply when the two hundred-dollar (\$200) monthly payment is made under the Kin-GAP program pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing

1 with Section 11385) of Chapter 2 of Part 3 to a former whole
2 family foster home pursuant to subdivision (a) of Section 11465.

3 SEC. 3. Section 16501.26 is added to the Welfare and
4 Institutions Code, to read:

5 16501.26. (a) For the purposes of this section, “nonminor
6 dependent parent” means a nonminor dependent as described in
7 subdivision (v) of Section 11400, residing in a supervised
8 independent living placement as defined in subdivision (w) of
9 Section 11400, who is a parent.

10 (b) When the child of a nonminor dependent parent is not subject
11 to the jurisdiction of the dependency court, but is in the full or
12 partial custody of the nonminor dependent, a written parenting
13 support plan may be developed between the nonminor dependent
14 parent and an identified responsible adult who has agreed to act
15 as a parenting mentor to the nonminor dependent parent. The plan,
16 if developed, shall be developed between the nonminor dependent
17 parent, the identified responsible adult, and a representative of the
18 county child welfare agency or probation department. Additional
19 input may be provided by any individuals identified by the
20 nonminor dependent parent, the other parent of the child, if
21 appropriate, and other extended family members. The plan shall
22 be developed as soon as is practicably possible. However, if one
23 or more of the above stakeholders are not available to participate
24 in the creation of the plan within the first 30 days of the nonminor
25 dependent parent’s request to enter into the plan, the nonminor
26 dependent parent and the identified responsible adult may enter
27 into a plan for the purposes of fulfilling the requirements of
28 subparagraph (B) of paragraph (3) of subdivision (d) of Section
29 11465, which may be modified at a later time when the other
30 individuals become available.

31 (1) The plan shall be designed to preserve and strengthen the
32 nonminor dependent parent family unit, as described in Section
33 16002.5, to assist the nonminor dependent parent in meeting the
34 goals outlined in Section 16002.5, to assist the nonminor dependent
35 parent in maintaining a safe, stable, and permanent home for the
36 child, and to support the nonminor dependent parent’s educational
37 and employment goals. The plan shall in no way limit the nonminor
38 dependent parent’s legal right to make decisions regarding the
39 care, custody, and control of the child.

(2) The plan shall be written for the express purpose of identifying additional support and assisting the nonminor dependent parent in providing the best care plan for his or her child. The plan shall outline, with as much specificity as is practicable, the ways in which the identified responsible adult will assist the nonminor dependent parent with regard to the child, and identify supportive services to be offered to the nonminor dependent parent by the identified responsible adult. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the nonminor dependent parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the nonminor dependent parent's transitional independent living case plan or any visitation orders made by the court. Areas to be addressed by the plan may include, but are not limited to, all of the following:

(A) Transportation to health care appointments, child care, and school, as appropriate.

(B) Providing child care and babysitting.

(c) Upon completion of the parenting support plan and any subsequent updates to the plan, a copy shall be provided to the nonminor dependent parent and his or her attorney, the identified responsible adult, and the county child welfare agency or probation department.

(d) *This section shall become operative on July 1, 2015.*

SEC. 4. Section 16501.27 is added to the Welfare and Institutions Code, to read:

16501.27. (a) (1) For purposes of Section 16501.26, a person who wishes to become an identified responsible adult to a nonminor dependent parent shall meet the minimum criteria established pursuant to Section 16501.28, be at least 21 years of age, and undergo a state-level criminal records check to be conducted by an appropriate government agency through the California Law Enforcement Telecommunications System (CLETS) pursuant to Section 16504.5. Within 10 calendar days following the criminal records check conducted through CLETS, the social worker shall ensure that a fingerprint clearance check of the potential identified responsible adult is initiated through the Department of Justice to ensure the accuracy of the criminal records check conducted through CLETS and shall review the results of any criminal records check to assess the appropriateness of the person. The Department

1 of Justice shall forward fingerprint requests for federal-level
2 criminal history information to the Federal Bureau of Investigation
3 pursuant to this section.

4 (2) An identification card from a foreign consulate or foreign
5 passport shall be considered a valid form of identification for
6 conducting a criminal records check and fingerprint clearance
7 check under this subdivision and under subdivision (b).

8 (b) The social worker shall also request that the Department of
9 Justice conduct a check of the potential identified responsible adult
10 within the Child Abuse Central Index pursuant to Section 11170
11 of the Penal Code.

12 (c) (1) If the results of the California and federal criminal
13 records check indicate that the person does not have a criminal
14 record, the individual may serve as an identified responsible adult
15 to a nonminor dependent parent.

16 (2) If the results of the criminal records check indicate that the
17 person has a criminal record, the county may issue a criminal
18 records exemption. However, the county shall not grant a criminal
19 records exemption to a person who has been convicted of a crime
20 specified in Section 290 of the Penal Code, for violating Section
21 245 or 273.5 of the Penal Code, subdivision (b) of Section 273a
22 of the Penal Code, or, prior to January 1, 1994, paragraph (2) of
23 Section 273a of the Penal Code. If a person receives a criminal
24 records exemption pursuant to this paragraph, he or she may serve
25 as an identified responsible adult to a nonminor dependent parent.

26 (d) This section shall become operative on July 1, 2015.

27 SEC. 5. Section 16501.28 is added to the Welfare and
28 Institutions Code, to read:

29 16501.28. Notwithstanding the rulemaking provisions of the
30 Administrative Procedure Act (Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code), the department shall convene a working group no later
33 than February 1, 2015, that includes representatives of the County
34 Welfare Directors Association and child welfare advocates to
35 develop an all-county letter that specifies the minimum criteria a
36 person must meet in order to serve as an identified responsible
37 adult to a nonminor dependent parent. The working group shall
38 issue the letter to all counties by June 30, 2015.

1 ~~SEC. 4.~~
2 *SEC. 6.* If the Commission on State Mandates determines that
3 this act contains costs mandated by the state, reimbursement to
4 local agencies and school districts for those costs shall be made
5 pursuant to Part 7 (commencing with Section 17500) of Division
6 4 of Title 2 of the Government Code.

O